

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

LINDA D. SENEGAL

CIVIL ACTION NO. 6:20-cv-00665

VERSUS

JUDGE SUMMERHAYS

BOBBY GUIDROZ, ET AL.

MAGISTRATE JUDGE HANNA

**JUDGMENT**

This matter was referred to United States Magistrate Judge Patrick J. Hanna for report and recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Magistrate Judge's report and recommendation is correct and adopts the findings and conclusions therein as its own. Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED that, consistent with the report and recommendation:

a. the motion to dismiss (Rec. Doc. 3) is granted with regard to the official capacity claims asserted against the defendant deputies, namely, C. David, N. Whatley, M. Darbonne, A. Ned, E. McBride, J. Gordon, D. Morgan, T. Randazzo, H. Ponthier, and S. Ortega, and those claims are dismissed without prejudice;

b. the motion to dismiss (Rec. Doc. 3) is granted with regard to any procedural due process claims asserted against Sheriff Guidroz and the defendant deputies, namely, C. David, N. Whatley, M. Darbonne, A. Ned, E. McBride, J. Gordon, D. Morgan, T. Randazzo, H. Ponthier, and S. Ortega, and those claims are dismissed without prejudice;

c. the motion to dismiss (Rec. Doc. 3) is granted with regard to any Fifth Amendment due process claims asserted against Sheriff Guidroz and the defendant deputies, namely, C. David,


N. Whatley, M. Darbonne, A. Ned, E. McBride, J. Gordon, D. Morgan, T. Randazzo, H. Ponthier, and S. Ortega, and those claims are dismissed without prejudice;

d. the motion to dismiss (Rec. Doc. 3) is denied with regard to the Fourth and Fourteenth Amendment claims asserted against Sheriff Guidroz and the defendant deputies, namely, C. David, N. Whatley, M. Darbonne, A. Ned, E. McBride, J. Gordon, D. Morgan, T. Randazzo, H. Ponthier, and S. Ortega;

e. the plaintiff is granted leave of court to amend her complaint to allege with greater specificity the conduct of Sheriff Guidroz and the individual deputies on the dates in question and to conduct discovery, if necessary, beforehand; and

f. Sheriff Guidroz and the defendant deputies, namely, C. David, N. Whatley, M. Darbonne, A. Ned, E. McBride, J. Gordon, D. Morgan, T. Randazzo, H. Ponthier, and S. Ortega, are granted leave of court to file another Rule 12(b)(6) motion or a motion for summary judgment addressing the issue of qualified immunity when appropriate to do so.

Signed at Lafayette, Louisiana, this 1<sup>st</sup> day of March, 2021.



ROBERT R. SUMMERHAYS  
UNITED STATES DISTRICT JUDGE